

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIADERRICK D. MARTIN,  
Plaintiff,

No. C 11-2942 SI (pr)

**ORDER**

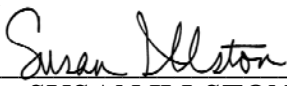
v.

M. SEPULVEDA, chief medical officer;  
et al.,Defendants.  
\_\_\_\_\_

Plaintiff has requested that counsel be appointed to assist him in this action in which he asserts a claim under the ADA. A district court has the discretion under 28 U.S.C. §1915(e)(1) to designate counsel to represent an indigent civil litigant in exceptional circumstances. See Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986). This requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. See id. Neither of these factors is dispositive and both must be viewed together before deciding on a request for counsel under § 1915(e)(1). Here, exceptional circumstances requiring the appointment of counsel are not evident. At least the core of the case appears to have been resolved as plaintiff states in his request for appointment of counsel that he now has received the requested ADA accommodation. The request for appointment of counsel is DENIED. (Docket # 8.)

IT IS SO ORDERED.

Dated: December 20, 2011

  
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SUSAN ILLSTON  
United States District Judge